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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,706	11/12/2001	Stephane Schinazi	1341-01	7738
35811	7590	03/03/2005	EXAMINER	
IP GROUP OF DLA PIPER RUDNICK GRAY CARY US LLP 1650 MARKET ST SUITE 4900 PHILADELPHIA, PA 19103			HARRELL, ROBERT B	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 03/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/005,706	SCHINAZI, STEPHANE	
Examiner	Art Unit		
Robert B. Harrell	2142		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 November 2004 et al.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-14 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 12 November 2001 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/12/2001
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: see attached Office Action

Art Unit: 2142

1. Claims 1-14 are presented for examination.
2. The submitted priority documents are in Japanese with unassociated figures and assumed to be wrong.
3. Legal phraseology such as "said", or "means", must not be used in the Abstract (MPEP 608.01(b)(C)).
4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
5. The textual portion of the specification is replete with grammatical and idiomatic errors too numerous to mention specifically. The specification should be revised carefully.
6. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM, and other legal symbols [®], where required, and clarity of meaning in the Specification, Drawings, and specifically the claims. Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor and thus correction, specifically where clear antecedent bases are lacking, is required in response to this Office Action to be fully responsive.

7. The following is a quotation of the second paragraph of 35 U.S.C 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-14 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The scope of meaning of the following claim language is not clear:

- a) "the equipment" of claim 9 (lines 3-4);
- b) "the supervision layer" of claim 10 (line 1) actually found in claim 9 (line 2);
- c) "the Internet service provider" of claim 10 (line 3);
- d) "the following protocols" of claim 11 (line 2);
- e) "the Internet (router function)" of claim 11 (line 5) [do not put "router function" in parenthesis];
- f) "the message-handling" of claim 13 (lines 3-4).

9. As to 8 (a-f) above, these are but a few examples of numerous cases where clear antecedent bases are lacking and not an exhausting recital. Any other term(s) or phrase(s) over looked by examiner and not listed above which start with either "the" or "said" and do not have a single proper antecedent bases also is indefinite for the reasons outlined in this paragraph. Also, these

Art Unit: 2142

are but a few examples where term(s) or phrase(s) are introduced more than once without adequate use of either "the" or "said" for the subsequent use of the term(s) or phrase(s). Moreover, multiple introduction of a term, or changes in tense, results in a lack of clear antecedent bases for term(s) or phrase(s) which relied upon the introduced term. Failure to correct all existing cases where clear antecedent bases are lacking can be viewed as non-responsive.

10. It cannot be clearly ascertained if the network of claim 1 (last line) is the same, or different, to that of the network in claim 1 (line 1). The same holds for claim 12 in lines 1-2 and 3-4 with respect to a telephone network and telecommunications network as not being clearly ascertained if the two are one and the same or different networks.

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

12. Claims 1-14 are rejected under 35 U.S.C. 102 (e) as being clearly anticipated by Narasimhan et al. (US 6,446,192 B1).

14. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature *as the whole of the reference is cited* and relied upon in this action as part of the substantial evidence of record. Also, no temporal order was claimed for the acts and/or functions.

15. Per claim 1, Narasimhan taught an electronic component for connection to a telecommunications network (e.g., see figure 2 and col. 10 (line 60)) and data exchange (e.g., see figure 3 "Modem" in right side third box down line 4)) in accordance with at least a part of Internet protocols (e.g., see Abstract and figure 3 (third box down (right side)))) comprising an integrated monolithic component (e.g., chip per the Title) constituted by a DSP (Digital Signal Processor) architecture (e.g., see figure 12 col. 6 (line 21 "DSP")), and col. 15 (spanning lines 42-

Art Unit: 2142

43))) including at least one memory (e.g., see associated memory such as 70, 74, 86, 88, 68, and the like of figure 12) in which is loaded a program implementing the Internet protocols (e.g., see figure 12 (68)) including routines for message handling (e.g., see figure 2 (SMTP)), FTP download (e.g., see col. 3 (line 19)), and/or OR Web server functionalities (e.g., see figure 3 (second box down to the left in line 2)), said DSP architecture further comprising means for exchange of data on a network (e.g., see figure 1B).

16. Per claims 2 and 6, the component also included means for exchanging data on a switched telephone network per col. 7 (lines 7-8) and col. 10 (line 60).

17. Per claims 3, 4, and 5 the component also included means for exchanging data on a local radio network (RF) per col. 6 (line 13) and Ethernet network per col. 6 (line 9) each of which were electric networks.

18. Per claim 7, the component further comprised at least one memory of at least about 8 kilowords in which is loaded a program implementing the Internet protocols, including routines for message-handling, FTP download and/or Web server functionalities per figure 3 and figure 12 as covered in col. 7 (lines 1-21).

19. Per claim 8. the component further comprised a single buffer in each transmission direction for data preparation according to PPP, IP, and TCP standards, and a buffer memory for intermediate calculations per figure 2 and 12.

20. Per claim 9, the component further comprised a protocol array as shown in figure 2 PPP, as an example of one such protocol, and supervision layer software which converted data, exchanged in both transmission directions by the DSP with the equipment in which it is integrated, into data contained within messages exchanged with a remote system through the Internet, and generates outgoing calls automatically to an Internet service provider for sending an electronic message or verifying possible receipt of an electronic message as covered above, and more so in the Abstract and starting with col. 1 (line 1-*et seq.*) and the figures.

21. Per claim 10, the component's supervision layer confirmed that a datum had been sent to a remote system, by using acquittal messages, and by generating callbacks to an Internet service provider, where necessary as such is apart of the PPP and other modem functions covered above.

22. Per claim 11, the component further comprised means for an implementing of at least one of the following protocols, NAT (Network Address Translation) to implant an IP address conversion function between different addresses of an internal network equipment and a single IP address of this network seen from the Internet (router function) as suggested by figure 2 and the fact Internet/Ethernet were implemented, DHCP (Dynamic Host Configuration Protocol) as also covered in figure 2, which allows an IP address to be assigned dynamically to each piece of internal network equipment, and to perform a gateway function per figure 1A, col. 3 (lines 28-

Art Unit: 2142

29) and col. 5 (line 9) since the gateway is removed and thus the chip assumes the function of the removed gateway.

23. Per claims 12, 13, and 14, these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above including that Narasimhan taught, as indicated above in addition to the telephone network, keyboards and displays as anticipated by the client of figure 1B (30) and the device equipment. The term "calculated" is an older version of of the word "computer"; in other words, computers were not called calculators, as pre 1960 a "computer" was a human accountant and rather the physical machine that performed computations was called a calucaltor. Thus the DSP was a calculator.

24. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey, can be reached on (571) 272-3896 . The fax phone number for all papers is (703) 872-9306.

27. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



ROBERT B. HARRELL
PRIMARY EXAMINER
GROUP 2142